

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHERVON (HK) LIMITED, CHERVON
NORTH AMERICA INC.,

Plaintiffs,

v.

ONE WORLD TECHNOLOGIES, INC.,
TECHTRONIC INDUSTRIES CO. LTD.,
HOMELITE CONSUMER PRODUCTS, INC.

Defendants.

C.A. No. 19-1293-LPS-SRF

[PROPOSED] ORDER

Having considered Plaintiffs' Motion for Sanctions (the "Motion"), IT IS HEREBY
ORDERED this ____ day of _____, 2021, that:

1. Plaintiffs' Motion is GRANTED;
2. Defendants failed to conduct an email search in good faith and made bad faith misrepresentations and omissions to the Court and Plaintiffs regarding Defendants' email search, thereby committing discovery misconduct worthy of sanctions.
3. Defendants shall pay Chervon's reasonable attorneys' fees and costs incurred since June 2020 to obtain a robust email production from One World (including associated motion practice);
4. Within ten business days of the entry of this Order, Chervon shall file its motion for fees and costs;
5. Within two business days of the entry of this Order, Chervon shall serve on Defendants no more than five email search strings designed to capture relevant correspondence

between Defendants and The Home Depot pertaining to the patents-in-suit, the accused products, and/or the commercial embodiments of the patents-in-suit;

6. Within two business days of Chervon's service of the email search strings identified in response to the foregoing paragraph, Defendants shall identify the top ten custodians in writing to Chervon whom are likely to have responsive communications as well as the hit counts for each of the search strings noted in the foregoing paragraph on a custodian-by-custodian basis;
7. Within two business days of Defendants' service of the custodians and hit counts identified in response to the foregoing paragraph, Chervon shall identify no more than three search strings and five custodians; and
8. Within ten business days of Chervon identifying the appropriate scope of production (*i.e.*, the no more than three search strings and five custodians), Defendants shall produce all responsive, non-privileged emails and provide a log of any privileged documents to Chervon.

United States Magistrate Judge